

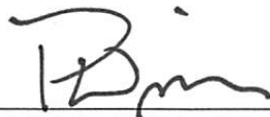
**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

TRAVIS JAMES YATES,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-21-01194-PRW
)	
CHRIS AMASON, in his official capacity,)	
)	
Defendant.)	

ORDER

Before the Court is Plaintiff Yates' Motion to Dismiss (Dkt. 4). Rule 41(a)(1)(i) of the Federal Rules of Civil Procedure permits a plaintiff to voluntarily dismiss an action by filing a notice of dismissal before the opposing party serves an answer or motion for summary judgment. Unless the notice specifies to the contrary, such a dismissal will be without prejudice. Here, the named Defendant has not yet filed an answer or motion, so Plaintiff's Yates motion is construed as a notice of dismissal pursuant to Rule 41(a)(1)(i). According, this case is **DISMISSED WITHOUT PREJUDICE**, and the pending Motion for Leave to Proceed in Forma Pauperis (Dkt. 2) is **DENIED AS MOOT**.

IT IS SO ORDERED this 28th day of December 2021.



PATRICK R. WYRICK
UNITED STATES DISTRICT JUDGE